

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	8:15CR165
Plaintiff,)	
)	
vs.)	ORDER
)	
FRANCISCO HERNANDEZ-PEREZ,)	
)	
Defendant.)	

This matter is before the court on the motion to continue by defendant Francisco Hernandez-Perez (Hernandez-Perez) (Filing No. 38). Hernandez-Perez seeks a continuance of the trial of this matter scheduled for July 20, 2015. Hernandez-Perez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Hernandez-Perez's motion to continue trial (Filing No. 38) is granted.
2. Trial of this matter is re-scheduled for **August 31, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 9, 2015, and August 31, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 9th day of July, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge